

6th November 2020

NOTICE OF INTEGRITY HEARINGS PANEL RESULT – Mr Damien Bates

PANEL: Mr Timothy McGrath (Chair), Ms Tanya Johnston and Mr Graham Loch.

STEWARDS REPRESENTATION: Mr Derek Kordick, Risk and Compliance Manager and Mr Des Jonas, Chief Steward.



Authorised for public dissemination.

On 27th October 2020 Mr Bates appeared before the Integrity Hearings Panel (IHP) in relation to matters arising from:

1. The participation of greyhound Ask Me Now at Adelaide Greyhound Racing Club on 30th April 2020, and;
2. A post-race sample of urine was taken from Ask Me Now and was subsequently determined to contain Ketoprofen and Meloxicam, both prohibited substances.

Following consideration of various sources of information, Stewards considered it appropriate to subsequently charge Mr Bates with the following charge:

- Breaching Greyhounds Australasia Rule 83 in that on 30th April 2020, Mr Bates presented Ask Me Now at an event, namely, Race 6 at Adelaide Greyhound Racing Club not free of any prohibited substance(s). The prohibited substances identified following a post-racing sample being taken from Ask Me Now were analysed and determined to be Ketoprofen and Meloxicam. (Ketoprofen is an anti-inflammatory drug commonly used in veterinary medicine to treat sick cattle and may still be present in knackery meat. Meloxicam is a non-steroidal anti-inflammatory drug that can similarly be introduced into a greyhound through contaminated meat.)

Mr Bates elected to enter an early guilty plea to the charge.

The IHP heard submissions from Mr Bates, and from Messrs Kordick and Jonas on behalf of the Stewards.

No irregular betting was identified in relation to the race Ask Me Now raced in that relate to the charge.

Of significance, it is important to note that, without in any way seeking to diminish the seriousness of the allegation, Stewards accept that the presence of the prohibited substances noted in the charge, were not intentionally administered by Mr Bates. Stewards accept that the likely source of the substances identified was through the consumption of contaminated food.

This is an appropriate matter that should reflect the comments of the IHP in the recently determined matter of Wilson: *“The IHP is ever-mindful of the underlying importance of presenting greyhounds free of prohibited substances. Presentation offences have been rightly condemned through past decisions of the Stewards, a stance that has been supported by the Racing Appeals Tribunal on many occasions. Such offences invariably result in suspensions or disqualifications. That being said, matters will invariably differ in their surrounding circumstances.”*¹

As in the matter of Wilson, the IHP are similarly of the view that Mr Bates’ matter should be appropriately differentiated from other contamination matters, for the following reasons, all of which were undisputed by Stewards:

- Mr Bates has an unblemished and commendable significant history in greyhound racing dating back to 2011.
- He has committed himself to ensuring that matters of welfare of his greyhounds is a primary consideration to his participation in greyhound racing.
- He has gone to significant lengths to avoid such contamination prior to the identification of this matter.
- Following identification of this matter, Mr Bates has committed to a regime of providing his racing greyhounds with a premium quality of food to ensure that such an occurrence is not repeated.
- Mr Bates was fully co-operative with Stewards throughout their investigation into this matter, he was polite in the extreme when appearing at the IHP, and was clearly remorseful for having become unwittingly entwined in such a matter.

The IHP acknowledge the commitment by Mr Bates to educate himself in matters of food contamination, and commend his efforts to the industry.

Although a lenient approach should be sparingly considered when addressing matters involving prohibited substances, the IHP have formed a view, in all of the circumstances, that this is indeed a case that is deserving of such an approach. Contaminated food is a significant matter in the greyhound racing industry and one which participants should be ever vigilant to avoid. Were such matters to be repeated by a participant, leniency would be very unlikely to be considered appropriate.

In all the circumstances, the IHP have resolved to finalise this matter as follows:

- Mr Bates will be suspended for a period of 6 weeks.
- In light of his early guilty plea, that suspension will be reduced to a period of 4 weeks.

¹ IHP decision of Mr Nathan Wilson dated 5th July 2020.



- Given the circumstances of the offence, and all matters personal to Mr Wilson, that 4 weeks will be fully suspended for a period of 12 months.

It necessarily follows that the IHP endorse the recommendation of GRSA Stewards, acting under GAR 83(4), to direct that:

1. Ask Me Now be disqualified from Race 6 at the Adelaide Greyhound Racing Club held on 30th April 2020, and;

Stewards will direct that the placings in the event be amended accordingly and that the \$2,700 prizemoney be returned to GRSA for redistribution where appropriate.

Both parties were advised of their right of appeal.



Timothy McGrath
GRSA INTEGRITY HEARINGS PANEL CHAIR

